

108TH CONGRESS  
2D SESSION

# S. 2960

To amend title 23, United States Code, to establish a traffic incident management program.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2004

Mr. GRAHAM of Florida introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to establish a traffic incident management program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rush Hour Congestion  
5       Relief Act of 2004”.

6       **SEC. 2. TRAFFIC INCIDENT MANAGEMENT PROGRAM.**

7       (a) IN GENERAL.—Subchapter I of chapter 1 of title  
8       23, United States Code, is amended by inserting after sec-  
9       tion 138 the following:

1 **“§ 139. Traffic incident management program**

2 “(a) IN GENERAL.—The Secretary shall establish  
3 and implement a traffic incident management program in  
4 accordance with this section to assist States and localities  
5 in—

6 “(1) regional traffic incident management pro-  
7 gram planning; and

8 “(2) carrying out projects to mitigate the ef-  
9 fects of traffic delays resulting from accidents,  
10 breakdowns, and other non-recurring incidents on  
11 highways.

12 “(b) USE OF FUNDS.—Funds apportioned to a State  
13 under this section may be used for—

14 “(1) regional collaboration and coordination ac-  
15 tivities that lead to regional traffic incident manage-  
16 ment policies, programs, plans, procedures, and  
17 agreements;

18 “(2) purchase or lease of telecommunications  
19 equipment for first responders as part of the devel-  
20 opment of a regional traffic incident management  
21 program;

22 “(3) purchase or lease of equipment to support  
23 the clearance of traffic incidents;

24 “(4) payments to contractors for towing and re-  
25 covery services as part of a regional traffic incident  
26 management program;

1           “(5) rental of vehicle storage or staging areas  
2           immediately adjacent to roadways as part of a re-  
3           gional traffic incident management program;

4           “(6) traffic service patrols as part of a regional  
5           traffic incident management program;

6           “(7) enhanced hazardous materials incident re-  
7           sponse;

8           “(8) traffic management systems in support of  
9           traffic incident management;

10          “(9) traffic incident management training;

11          “(10) crash investigation equipment;

12          “(11) other activities under a regional traffic  
13          incident management plan; and

14          “(12) statewide incident reporting systems.

15          “(c) REGIONAL TRAFFIC INCIDENT MANAGEMENT  
16          PLAN.—

17          “(1) PLAN.—

18                 “(A) IN GENERAL.—Except as provided in  
19                 subparagraph (B), funds apportioned under this  
20                 section may not be obligated for an urbanized  
21                 area with a population greater than 300,000  
22                 until such time as a regional traffic incident  
23                 management plan is developed for the urban-  
24                 ized area.

1           “(B) FUNDS FOR PLAN.—An urbanized  
2           area described in subparagraph (A) may use  
3           funds apportioned under this section to develop  
4           the regional traffic incident management plan  
5           in accordance with this subsection.

6           “(2) PLAN DEVELOPMENT.—

7           “(A) COLLABORATION.—Any urbanized  
8           area described in paragraph (1) that receives  
9           funds apportioned under this section shall en-  
10          gage in regional collaboration and coordination  
11          activities to develop the regional traffic incident  
12          management plan required for the urbanized  
13          area under that paragraph.

14          “(B) PLAN ELEMENTS.—The regional traf-  
15          fic incident management plan for an urbanized  
16          area under paragraph (1) shall include—

17               “(i) a strategy, adopted by transpor-  
18               tation, public safety, and appropriate pri-  
19               vate sector participants, for funding, im-  
20               plementing, managing, operating, and eval-  
21               uating the traffic incident management  
22               program initiatives and activities for the  
23               urbanized area in a manner that ensures  
24               regional coordination of those initiatives  
25               and activities;

1 “(ii) an estimate of the impact of the  
2 plan on traffic delays; and

3 “(iii) a description of the means by  
4 which traffic incident management infor-  
5 mation will be shared among operators,  
6 service providers, public safety officials,  
7 and the general public.

8 “(d) FUNDING.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated from the  
11 Highway Trust Fund (other than the Mass Transit  
12 Account) to carry out this section \$1,000,000,000  
13 for each of fiscal years 2005 through 2010.

14 “(2) APPORTIONMENT AMONG STATES.—Funds  
15 made available under paragraph (1) shall be appor-  
16 tioned among the States in the proportion that—

17 “(A) the aggregate population of the State,  
18 or part of the State, in urbanized areas with a  
19 population greater than 300,000; bears to

20 “(B) the total population of all States, or  
21 parts of all States, in those urbanized areas.

22 “(3) DISTRIBUTION WITHIN STATES.—Funds  
23 apportioned to a State under paragraph (2) shall be  
24 made available to carry out projects and activities  
25 under regional traffic incident management plans in

1       each urbanized area in the State with a population  
2       greater than 300,000 in the proportion that—

3               “(A) the population of the urbanized area,  
4               or part of the urbanized area, in the State;  
5               bears to

6               “(B) the total population of all urbanized  
7               areas in the State.

8       “(e) DETERMINATION OF POPULATIONS.—For the  
9       purpose of determining populations of areas under this  
10      section, the Secretary shall use information from the most  
11      current decennial census, as supplied by the Secretary of  
12      Commerce.”.

13       (b) CONFORMING AMENDMENT.—The analysis for  
14      subchapter I of chapter 1 of title 23, United States Code,  
15      is amended by inserting after the item relating to section  
16      138 the following:

“139. Traffic incident management program.”.

